

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 217169

21

ORIGIN EB-12

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-11 NSAE-00 RSC-01 FAA-00 SS-20 NSC-07 L-03

/089 R

DRAFTED BY EB/AN:JBMAGNOR:DAP

APPROVED BY EB/AN:MHSTYLES

CAB - J. CHESEN

EUR/WE - E. BEIGEL

----- 111035

R 022045Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

LIMITED OFFICIAL USE STATE 217169

E.O. 11652:N/A

TAGS: EAIR, FR

SUBJECT: CIVAIR: WEEKEND ITC/PART CHARTER

REF: PARIS 22274

1. CAB SENT FOLLOWING TELEGRAM TO MARESCOT AIR FRANCE
NEW YORK OFFICE ON SEPTEMBER 19. QUOTE IT HAS COME TO OUR
ATTENTION THAT WEEKEND INCLUSIVE TOURS TO BE OPERATED VIA
AIR FRANCE THIS FALL AND EARLY NEXT YEAR FROM PARIS TO
NEW YORK AND RETURN ARE BEING HELD OUT TO PUBLIC. THESE
TOURS DO NOT APPEAR TO COMPORT WITH REQUIREMENTS OF CIVIL
AERONAUTICS BOARD. BE ADVISED THAT SOLICITATION AND
SALE OF SUCH TOURS WITHOUT CAB AUTHORIZATION MAY CONSTITUTE
VIOLATION OF SECTION 411 FEDERAL AVIATION ACT AND WILL PRE-
JUDICE CONSIDERATION OF ANY REQUEST FOR WAIVER THAT MAY
BE CONTEMPLATED. UNQUOTE.

2. ITC-PART CHARTER IS APPARENTLY BEING PROMOTED TO
ATTRACT WEEKEND VISITORS WHO MIGHT NOT OTHERWISE TRAVEL TO
U.S. PLACING THE CHARTER GROUP ON OTHERWISE PARTIALLY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 217169

EMPTY SCHEDULED AIRCRAFT DURING OFF SEASON CAN CONTRIBUTE

TO ECONOMY OF OPERATIONS. OBVIOUS MERITS OF SUCH OPERATIONS ASIDE, HOWEVER, PRESENT CAB REGULATIONS DO NOT PERMIT PART CHARTERS ON SCHEDULED FLIGHTS NOR THE TYPE OF ITC AIR FRANCE APPARENTLY CONTEMPLATES OFFERING. PART 378 OF THE CAB'S SPECIAL REGULATIONS IS QUITE CLEAR IN ITS APPLICABILITY TO ALL REPEAT ALL OF AIR FRANCE'S ITC

OPERATIONS TO OR FROM THE UNITED STATES. AS EMBASSY IS AWARE AND SHOULD POINT OUT TO SGAC, VIRTUALLY NONE OF THE REQUIREMENTS OF PART 378 ARE BEING MET IN PROPOSED WEEKEND ITC PROGRAM. MOREOVER, THERE IS NO REPEAT NO INTERGOVERNMENTAL UNDERSTANDING WHICH ALLOWS FRENCH ORIGIN ITC'S TO BE PERFORMED EXCLUSIVELY UNDER FRENCH RULES. SUCH CHARTERS MUST MEET THE REQUIREMENTS OF BOTH THE U.S. AND FRENCH RULES. AIR FRANCE HAS BEEN IN BUSINESS LONG ENOUGH TO KNOW THAT A "PART CHARTER" CANNOT LEGALLY BE OPERATED WITHOUT THE BOARD IN SOME WAY AUTHORIZING SUCH A DEVIATION FROM ITS LONGSTANDING REQUIREMENT THAT THE ENTIRE PLANE BE UNDER CHARTER. MOREOVER, FRENCH SHOULD CLEARLY UNDERSTAND THAT THE WEEKEND ITC-PART CHARTER PROGRAM AIR FRANCE IS SELLING IS ILLEGAL AND IF OPERATED WOULD EXPOSE CARRIER TO CAB ENFORCEMENT ACTION WHICH COULD INCLUDE HEAVY FINES, EVEN AIRCRAFT SEIZURE, SHOULD U.S. LAWS BE DELIBERATELY FLAUNTED.

3. TO OPERATE THE PROPOSED WEEKEND ITC'S LEGALLY AS CHARTERS CARRIER WOULD HAVE TO OBTAIN A WAIVER OF SUCH PROVISIONS OF THE BOARD'S CHARTER REGULATIONS AS ARE IN CONFLICT. IN VIEW OF THE MANY DIFFERENCES BETWEEN THE FRENCH RULES AND THE OUTSTANDING U.S. RULES, THIS WOULD BE QUITE DIFFICULT. WAIVER WOULD HAVE TO BE DECIDED AFTER CONSIDERATION OF AN APPLICATION FILED BY THE CARRIER REQUESTING THAT DEVIATIONS BE MADE AND SETTING FORTH REASONS WHY THEY SHOULD BE ALLOWED. UNTIL AND UNLESS THE BOARD WERE TO RECEIVE AND GRANT SUCH A REQUEST THE PROPOSED CHARTERS WOULD REMAIN MANIFESTLY ILLEGAL. TO DATE AIR FRANCE HAS NOT APPLIED FOR ANY SUCH WAIVERS.

4. SINCE THE FRENCH WEEKEND ITC'S DO HAVE A REQUIREMENT THAT PASSENGER NAMES BE SUBMITTED TO THE FRENCH GOVERNMENT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 217169

MENT IN ADVANCE OF FLIGHT DEPARTURE (ALBEIT ONLY 15 DAYS IN ADVANCE) THEY ARE SIMILAR TO THE GERMAN SHORT TERM ABC, WITH AN ADDED TOUR PACKAGE. (SEE PARAGRAPH 2.3 OF CIRCULAR 3797.) THUS WE CONTINUE TO SEE WEEKEND ITC AS A HYBRID BETWEEN ABC AND ITC RULES.

5. THE "PART CHARTER" ASPECT IS A SEPARATE ONE PERHAPS EVEN MORE DIFFICULT TO RESOLVE. AT PRESENT THE "PART

CHARTER" IS NEITHER FISH NOR FOUL, NEITHER A BONA FIDE CHARTER NOR A SCHEDULED FARE OR RATE. AN APPLICANT CARRIER, SHOULD IT WISH TO SEEK TO LEGALIZE THIS TYPE OF OPERATION, MIGHT SEEK A WAIVER NOT ONLY OF THE MOST APPLICABLE CHARTER TYPE RULES (ITC OR ABC) BUT OF THE RULE COMMON TO BOTH THAT THE ENTIRE PLANE MUST BE CHARTERED.

APPLICANT CARRIER MIGHT ALSO CHOOSE TO FILE A TARIFF PROVIDING FOR A "PART CHARTER" ON ITS SCHEDULED SERVICE, SETTING FORTH IN THE TARIFF ALL OF THE DETAILS OF THE CHARTER MUCH AS IT WOULD THE DETAILS OF AN APEX FARE. FINALLY, THE APPLICANT CARRIER MIGHT PURSUE BOTH THESE APPROACHES. THE ABOVE IS NOT TO RECOMMEND A SPECIFIC COURSE OF ACTION TO ANY CARRIER, BUT GIVEN THE COMPLEXITY OF THE MATTER, TO PROVIDE A BASIS FOR BEING AS HELPFUL AND AS INFORMATIVE AS POSSIBLE.

6. IT APPEARS THAT AIR FRANCE IS ON COLLISION COURSE WITH CAB AND MAY IN FACT HAVE FORECLOSED ANY POSSIBILITY OF SOLUTION BY ALREADY HOLDING OUT WEEKEND ITC'S TO PUBLIC, THUS PREJUDICING ANY REQUEST FOR CAB WAIVERS IT MIGHT MAKE. AIR FRANCE IS A MATURE AND SOPHISTICATED CARRIER AND WE ARE SOMEWHAT SURPRIZED IT IS PURSUING SUCH A COURSE. EMBASSY SHOULD MAKE THE ILLEGALITIES CLEAR TO SGAC AND, IF IT HAS NOT ALREADY DONE SO, PUT THIS ON THE RECORD WITH FOREIGN MINISTRY AS WELL. MAW

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AVIATION REGULATIONS, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Draft Date: 02 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE217169
Document Source: CORE
Document Unique ID: 00
Drafter: JBMAGNOR:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740279-0724
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741078/aaaacpbp.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: PARIS 22274
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2002 by elyme>; APPROVED <10 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: WEEKEND ITC/PART CHARTER
TAGS: EAIR, FR, US, CAB
To: PARIS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005